PATENT COOPERA'.

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PCT

NOTIFICATION OF ELECTION

(PCT Rule 61.2)

Commissioner **US Department of Commerce United States Patent and Trademark** Office, PCT 2011 South Clark Place Room CP2/5C24 Arlington, VA 22202

ETATS-UNIS D'AMERIQUE Date of mailing (day/month/year)

in its capacity as elected Office

Applicant's or agent's file reference SCB577PCT				
Priority date (day/month/year) 26 July 1999 (26.07.99)				
	SCB577PCT Priority date (day/month/year)			

	The designated Office is hereby notified of its election made: X in the demand filed with the International Preliminary Examining Authority on:
	08 February 2001 (08.02.01)
	in a notice effecting later election filed with the International Bureau on:
<u>.</u>	The election X was
	was not
	made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).
	ţ.

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland

Authorized officer

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Form PCT/IB/331 (July 1992)

Facsimile No.: (41-22) 740.14.35

EP0007102

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's	or agent's file reference		See Notification of Transmittal of International			
SCB577	PCT	FOR FURTHER ACTION	ER ACTION Preliminary Examination Report (Form PCT/IPEA/416)			
Internation	al application No.	International filing date (day/mon	th/year) Priority date (day/month/year)			
PCT/EPC	00/07102	25/07/2000	26/07/1999			
C12P41/		r national classification and IPC				
Applicant CONSIG	LIO NAZIONALE DELLI	E RICERCHE				
	nternational preliminary ex s transmitted to the applica		ed by this International Preliminary Examining Authority			
2. This I	REPORT consists of a tota	I of 5 sheets, including this cover	sheet.			
b	een amended and are the	nied by ANNEXES, i.e. sheets of t basis for this report and/or sheets n 607 of the Administrative Instruc	he description, claims and/or drawings which have containing rectifications made before this Authority ions under the PCT).			
These	e annexes consist of a tota	l of sheets.				
3. This i	eport contains indications	relating to the following items:				
1	Basis of the report					
11	☐ Priority					
Ш	☐ Non-establishment	of opinion with regard to novelty, ir	ventive step and industrial applicability			
IV	Lack of unity of invention					
V		nt under Article 35(2) with regard to nations suporting such statement	novelty, inventive step or industrial applicability;			
VI	☐ Certain documents	cited				
VII	☑ Certain defects in the second control of the second control	ne international application				
VIII	☐ Certain observation	s on the international application				
Date of sub	emission of the demand	Date o	f completion of this report			
08/02/20		10.09.	,			
	mailing address of the internat	ional Author	ized officer			
preliminary	examining authority: European Patent Office		\$ 2 - 11 4 1			
<u>)</u>))	D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523		z Garcia, F			
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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/EP00/07102

		and	receiving Office in a lare not annexed to cription, pages:	response to an invitation under Article 14 are referred to in this report as "originally filed" o this report since they do not contain amendments (Rules 70.16 and 70.17)):
		1-7		as originally filed
		Cla	ims, No.:	
		1-9		as originally filed
		Dra	wings, sheets:	
)		1/2-	2/2	as originally filed
	2.	With	n regard to the lang guage in which the i	guage, all the elements marked above were available or furnished to this Authority in the international application was filed, unless otherwise indicated under this item.
		The	se elements were a	available or furnished to this Authority in the following language: , which is:
			• •	translation furnished for the purposes of the international search (under Rule 23.1(b)).
			the language of pu	ublication of the international application (under Rule 48.3(b)).
			the language of a 55.2 and/or 55.3).	translation furnished for the purposes of international preliminary examination (under Rule
ì	3.	With inte	n regard to any nuc rnational preliminar	cleotide and/or amino acid sequence disclosed in the international application, the ry examination was carried out on the basis of the sequence listing:
j			contained in the in	nternational application in written form.
			filed together with	the international application in computer readable form.
			furnished subsequ	uently to this Authority in written form.
			furnished subsequ	uently to this Authority in computer readable form.
			The statement that the international a	at the subsequently furnished written sequence listing does not go beyond the disclosure in application as filed has been furnished.
			The statement tha listing has been fu	at the information recorded in computer readable form is identical to the written sequence urnished.
	4.	The	amendments have	e resulted in the cancellation of:
			the description,	pages:
			the claims,	Nos.:

1. With regard to the elements of the international application (Replacement sheets which have been furnished to

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/EP00/07102

		the drawings,	sheets:		
5.					ome of) the amendments had not been made, since they have been as filed (Rule 70.2(c)):
		(Any replacement sh report.)	eet contair	ning such	amendments must be referred to under item 1 and annexed to this
6.	Ado	ditional observations, if	f necessar	y:	
٧.		asoned statement un ations and explanatio			ith regard to novelty, inventive step or industrial applicability; h statement
1.	Sta	tement			
	Nov	velty (N)	Yes: No:	Claims Claims	1-9
	inve	entive step (IS)	Yes: No:	Claims Claims	1-9
	Indi	ustrial applicability (IA)	Yes: No:	Claims Claims	1-9
2	Cita	ations and evalanation	e		

Citations and explanations see separate sheet

VII. Certain defects in the international application.

The following defects in the form or contents of the international application have been noted: see separate sheet

Re It m V

Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive st p or industrial applicability; citations and explanations supporting such statement

1. Reference is made to the following documents:

D1: EP-A-0 510 712

D2: EP-A-0 407 033

D3: US-A-4 107 439

- 2. The application describes the use of orthoesters in the synthesis of chiral acids in biocatalyzed esterification processes in order to remove water.
- D1 (examples) and D2 (see for instance example 3) describe biocatalyzed 3. esterification processes for the synthesis of chiral acids. They do not use any orthoester.
- 4. D3 describes chemical esterification processes for the preparation of esters where an orthoester is used in order to remove water (see col. 9, I. 6-12).
- Novelty is acknowledged for the subject-matter of claims 1-9 (Art. 33(2) PCT). 5.
- 6. D1 and D2 are considered the closest prior art.

The technical problem seems to be the provision of further methods for the resolution of enantiomeric mixtures of a chiral carboxylic acid.

The solution proposed, which consists in the addition of orthoesters to the reaction in order to make the process irreversible by removal of water, appears to be not inventive.

The subject-matter, which concerns to esterification reactions, is well known in the art (D1, D2 and p. 1, I. 3 of the application). The limitations due the reversibility of the esterification reaction are also known (see p. 1, l. 8-27 of the application). In order to overcome said limitations, many approaches have been proposed (see p.

2, I.1-21 of the application) which mainly consist in the removal of water from the reaction. Therefore, the skilled person, when faced with the problem of providing further method for the resolution of enantiomeric mixtures of a chiral carboxylic acid, would also think in the possibility of removing water by additional methods. D3 discloses that the water present in esterification processes can be removed by addition of orthoester (see col. 9, I. 6-12). Therefore, the use of orthoesters appears as an obvious alternative to those already mentioned in the application (see p. 2, I.1-21 of the application) and not inventive merit can be recognized in absence of any unexpected/surprising effect.

Therefore, the subject-matter of claims 1-9 is not inventive (Art. 33(3) PCT).

Re Item VII

Certain defects in the international application

- Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art 1. disclosed in the documents D1-D3 is not mentioned in the description, nor are these documents identified therein.
- No support is found in the description found for the subject-matter of claim 6, ie 2. the esterification process of the meso form of a bicarboxylic acid.

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For two-letter codes and other abbreviations, refer to the "Guidance Notes on Codes and Abbreviations" appearing at the beginning of each regular issue of the PCT Gazette.

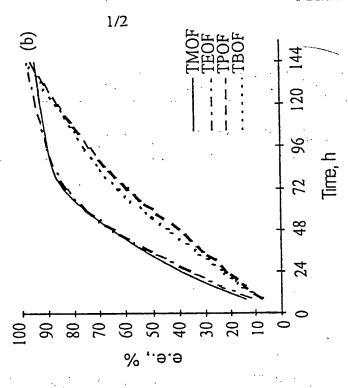


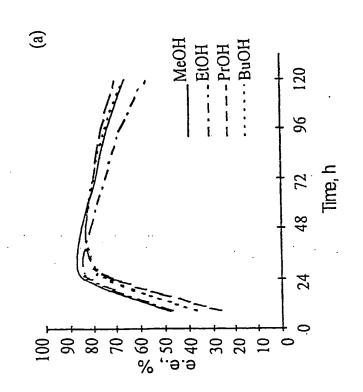
07564 A

(54) Title: THE USE OF ORTHOESTERS FOR THE SYNTHESIS OF CHIRAL ACIDS IN BIOCATALYZED IRREVERSIBLE ESTERIFICATION PROCESSES

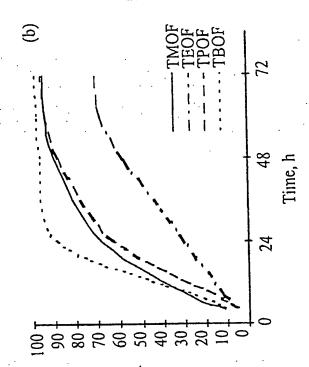
Fig. 1. Enantiomeric excess (ee) value of unreacted Flurbiprofen versus reaction time with different alcohols (a)

and orthoformates (b)





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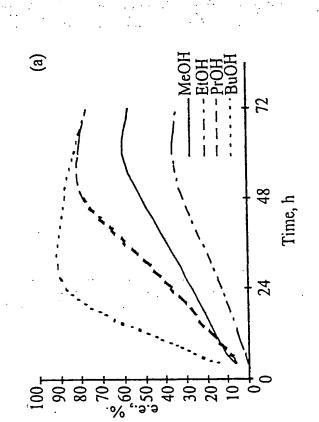


Fig. 2. Enantiomeric excess (ee) value of unreacted 2-Methylvaleric acid versus reaction time with different alcohols (a) and orthoformates (b)

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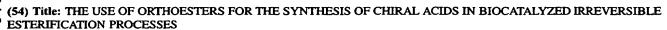
- (74) Agents: MINOJA, Fabrizio et al.; Bianchetti Bracco Minoja S.r.l., Via Rossini, 8, I-20122 Milano (IT).
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THE USE OF ORTHOESTERS FOR THE SYNTHESIS OF CHIRAL ACIDS IN BIOCATALYZED IRREVERSIBLE ESTERIFICATION PROCESSES

Enantiomerically pure chiral compounds are increasingly required in recent times, as these compounds may be used in a number of different fields (biomedical, agroalimentary, special materials and the like). Racemic chiral acids may be resolved by means of esterification in organic solvent, catalyzed by a hydrolase (lipase, esterase, protease), as illustrated for example in IT 1 274 482 and IT 1 275458.

When a racemic acid RCOOH is reacted with an alcohol R'OH in the presence of a hydrolase with R-stereopreference, this enantiomer will be the fast reacting one, undergoing more rapidly the esterification, so that the unreacted acid will enrich in the S enantiomer, according to the following scheme:

R-COOH + R'-OH \rightleftharpoons (R) R-COOR' + (S) R-COOH + H₂O

Apparently, it seems possible to obtain the optically pure S isomer simply by extending the conversion to a sufficiently high value. However the reversibility of this reaction makes the situation complicated, as the R enantiomer, which is the faster formed one, is also the one more easily undergoing hydrolysis, to the detriment of the optical purities of both the R ester and the S acid residue (Chen, C. S.; Wu, S. H.; Girdaukas, G. and SiH, C. J. Am. Chem. Soc. 1987, 109, 2812 — 2817).

The above mentioned limits are also found in the desymmetrization of polycarboxylic acids meso-forms, when carrying out their enantiotoposelective esterification in the presence of hydrolase.

Many approaches have been proposed to overcome the problems connected with the reversibility of the esterification reaction:



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- a) Removing water from the reaction equilibrium by addition of dehydrating salts (Kvittingen, L.; Sjursnes, B. and Anthonsen, T. Tetrahedron 1992, 48, 2793-2802). The drawback of the process is that the collisions between the salt particles and the enzyme ones damage the latter, thus reducing the life times and making their recovery difficult.
- b) Removing water from the equilibrium by addition of molecular sieves (Fonteyn, F.; Blecker, C.; Lognay, G.; Marlier, M. and Severin, M. Biotechnol. Lett. 1994, 16, 693-696). In addition to the above drawbacks, the alcohol also can be removed, particularly in case of low molecular alcohols.
- c) Removing water by distillation. This method can be used only when water is the lower boiling component of the mixture; therefore it cannot be used with low boiling alcohols or solvents.
- d) Recycle of the reaction products to increase their optical purity (Morrone, R.; Nicolosi, G.; Patti, A. and Piattelli, M. Tetrahedron: Asymmetry 1995, 6, 1773-1778). This method clearly increases the work up costs.

It has now been found, and this is the object of the invention, that when the reaction is carried out in the presence of orthoesters, the latter react with water formed during the reaction, making therefore the process irreversible.



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DISCLOSURE OF THE INVENTION

The present invention therefore provides a process for the resolution of enantiomeric mixtures of a chiral carboxylic acid of formula

5 R-COOH,

wherein R is a hydrocarbon residue optionally containing one or more heteroatoms and optionally mono- or polysubstituted, comprising an esterification reaction of said carboxylic acid in an organic solvent, in the presence of a stereoselective hydrolase, characterized in that an orthoester of formula

$$R^1$$
-C(OR²)₃,

in which R^1 is selected from H and C_1 - C_4 alkyl and R^2 is C_1 - C_8 alkyl or - CH_2 - C_{6-10} aryl,

is used as the esterification reactive.

R is preferably the residue of an antiinflammatory arylpropionic acid such as $(\pm) - (R,S) - 2 - (2 - fluoro - 4 - biphenyl)$ -propionic, $(\pm) - (R,S) - 2 - (3 - benzoylphenyl)$ -propionic, $(\pm) - (R,S) - 2 - (4 - isobutylphenyl)$ -propionic, $(\pm) - (R,S) - 2 - [4 - (1 - oxo - 2 - isoindolinyl) phenyl]$ propionic, $(\pm) - (R,S) - 2 - [4 - (2 - thenoyl) phenyl]$ -propionic, $(\pm) - (R,S) - 2 - (6 - methoxy - 2 - naph-thyl)$ -propionic acids.

 R^1 is preferably selected from H, methyl, ethyl, n-propyl, n-butyl.

The stereoselective hydrolase is preferably a lipase from <u>Candida antarctica</u>, <u>Candida cylindracea</u>, <u>Pseudomonas cepacia</u>, <u>Mucor miehei</u>, <u>Mucor javanicus</u>, <u>Aspergillus niger</u>, swine pancreas, or a protease from <u>Aspergillus subtilis</u>.

The esterification reaction is generally carried out at 30 a temperature of 0-50°C, preferably at 45°C. Similarly, a supercritical gas, such as CO₂, can be used as the reaction solvent.



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Conveniently the process according to the invention comprises the step of adding to the reaction mixture, consisting of the carboxylic acid, the hydrolase and the organic solvent, an amount of water or of a alcohol with 1-8 carbon atoms equivalent to 1-5% mols compared with the mols of said chiral carboxylic acid. The reaction is thereby activated, which then proceeds thanks to the formation of the alcohol following reaction of the orthoester with the water formed during the esterification reaction.

The resulting suspension is kept under stirring at the optimal temperature for the enzyme used. The progress of the reaction can be monitored by the usual analytical methods known to those skilled in the art. When the desired conversion value, on which the desired enantiomeric excess of the products depends, has been reached, the reaction is stopped by filtering off the enzyme. The reaction products are then recovered by separation with procedures known to those skilled in the art.

Alternatively to the use of orthoesters, carbonates may also be used in the process of the invention.

The irreversibility of the esterification, carried out with the process of the invention, allows to prepare chiral acids in enantiopure form (in particular the enantiomer not preferred by the enzyme) by extending the reaction times up to conversion values higher than 50%.

Figure la shows the change of the optical purity of the the esterification of unreacted substrate in flurbiprofen, depending on the reaction time, when using alcohol, methanol, ethanol, propanol and butanol as acetonitrile as solvent and a lipase from Candida antarctica (with R stereopreference). In Figure 1b it is reported the the reaction, under the operative progress of same

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conditions, using orthoformate (respectively methyl, ethyl, propyl, butyl) as alcohol source.

When comparing the progress of the reaction with alcohols (Figure 1a) and that with orthoformates (figure 1b) it is easily evident that in normal esterification of flurbiprofen the ee of the unchanged substrate reaches a maximum value of 80-85 and then begins to drop.

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In patent contrast, when orthoformates are used the ee value continues to increase by extending the incubation period and consequently the conversion value. With all the orthoformates tested, the ee value of the unreacted acid reaches 95-98%.

In Figure 2 it is reported the trend for the esterification in hexane of 2-methylvaleric acid in the presence of <u>Candida cylindracea</u> lipase (Stereopreference S). The esterification with alcohol (Figure 2a) shows the usual course of the reversible reactions and the ee of the residual acid decreased when conversion is extended much beyond 50%. The esterification with the use of orthoformates proceeded as an irreversible reaction (Figure 2b) and with the best of the four tested, tributyl orthoformate, the ee values of the remaining substrate obtained is >98.

Obviously, the method proposed here can be used not only in the resolution of chiral acids, but also in the esterification of achiral acids, particularly when they are very expensive, to increase the yield by pushing the equilibrium toward completion.

The following examples disclose the invention in more detail.



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Example 1

Preparation of enantiopure S-flurbiprofen

Novozym 435 (R) (lipase from Candida antartica) (100 g) was added to a solution of racemic flurbiprofen (41 mmol, 10 g) in CH₃CN (1 1) containing tripropyl orthoformate (123 mmol, 26.5 ml) and 0.1 ml of n-propanol. The mixture was incubated at 45°C under shaking (300 rpm) and conversion and ee of unreacted flurbiprofen were followed by hplc using a Chirex R-NGLY & DNB (250 x 4.0 mm) column. After 6 days conversion had reached 60% and the reaction was stopped filtering off the enzyme. Removal of the solvent in vacuo left a residue that was partitioned between hexane and aq. NaHCO3 (3 g in 200 ml of water). The organic phase was washed with water, dried over Na₂SO₄ and the solvent removed to afford 6.8 g of (-)-R-flurbiprofen propyl ester (yield 58%, ee 64%). ¹H NMR (CDCl₃): $\sqrt{5}$ 0.89 (t, 3H, J=7Hz), 1.54 (d, 3H, J=7Hz), 1.65 (m, 2H), 3.78 (q, 1H, J=7Hz), 4.06 (t, 2H)2H, J=6Hz), 7.1-7.6 (m, 8H). Anal. Calcd for C₁₈H₁₉FO₂; C, 75.70; H, 6.69. Found: C. 75.62; H, 6.89.

Acidification of the aqueous phase with H_2SO_4 gave a precipitate of (+)-S-flurbiprofen (3.9 g, yield 39%, ee>98%). Anal. Calcd for $C_{15}H_{13}FO_2$; C, 73.76; H, 5.36. Found: C. 73.90; H, 5.52.

Example 2

Preparation of enantiopure (R)-2-Methylvaleric acid

Candida cylindracea lipase (50 g) was added to a solution of racemic 2-methylvaleric acid (86.2 mmol, 10 g) in hexane (500 ml) containing tributyl orthoformate (86.2 mmol, 23 ml) and 0.1 ml of n-butanol. The mixture was incubated at 45°C under shaking (300 rpm). Conversion and ee of the butyl ester were followed by GC using a ß-cyclodextrin (dimethylpenthylbetacdx/OV1701 3:7) column. After 48 h conversion had reached 65% and reaction was



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stopped filtering off the enzyme. After partition with aq. $NaHCO_3$ (3 g in 200 ml of water) the hexane phase was dried over Na_2SO_4 and evaporated under vacuum to furnish 9.6 g of (S)-2-methylvaleric butyl ester (yield 65%, ee 53%). MS data agreed with those reported in the literature (Kim Ha, J.; Lindsay, R.C.; J. Food Compos. Anal. 1989, 2, 118-131). Anal. Calcd for $C_{10}H_{20}O_2$; C, 69.72; H, 11.70. Found: C. 69.98; H, 11.84.

The aqueous phase was acidified with H_2SO_4 , extracted three times with hexane and the organic phase were pooled. Removing of hexane under vacuum gave 3.5 g of (R)-2-methylvaleric acid (yield 35%, ee>97%). [a] $_D^{20}$ = 18.2 (neat); (lit. [a] $_D^{20}$ = 18.4 (neat); Levene, P. A.; Marker, R. E. J. Biol. Chem. 1932, 98,1) Anal. Calcd for $C_6H_{12}O_2$; C, 62.04; H, 10.41. Found: C. 62.31; H, 10.52.



CLAIMS

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1. A process for the resolution of enantiomeric_mixtures of a chiral carboxylic acid of formula

5 R-COOH,

wherein R is a hydrocarbon residue optionally containing one or more heteroatoms and optionally mono- or polysubstituted, comprising an esterification reaction of said carboxylic acid in an organic solvent, in the presence of a stereoselective hydrolase, characterized in that an orthoester of formula

$$R^1-C(OR^2)_3$$
,

in which R^1 is selected from H and C_1 - C_4 alkyl and R^2 is C_1 - C_8 alkyl or - C_4 - C_6 -10aryl,

is used as the esterification reactive.

- 2. A process as claimed in claim 1, wherein R^1 is selected from H, methyl, ethyl, n-propyl, n-butyl.
- 3. A process as claimed in claim 2, wherein said stereoselective hydrolase is a lipase selected from <u>Candida antarctica</u>, <u>Candida cylindracea</u>, <u>Pseudomonas cepacia</u>, <u>Mucor miehei</u>, <u>Mucor javanicus</u>, <u>Aspergillus niger</u>, swine pancreas, or a protease from <u>Aspergillus subtilis</u>.
- 4. A process as claimed in any one of the above claims, wherein said esterification reaction is carried out at a temperature of 0-50°C, preferably at 45°C.
- 5. A process as claimed in any one of the above claims comprising the step of adding the reaction mixture with an amount of water or of a alcohol with 1-8 carbon atoms equivalent to 1-5% mols compared with the mols of said chiral carboxylic acid.
- 6. A process as claimed in any one of the above claims, wherein in said esterification reaction the meso form of a bicarboxylic acid is used as substrate.

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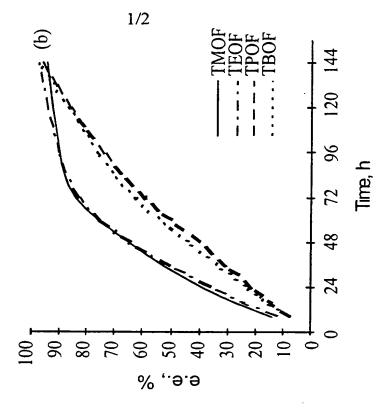
- 7. A process as claimed in the above claims 1-6, wherein said carboxylic acid is selected from (\pm) (R,S) -2- (2-fluoro-4-biphenyl) -propionic, (\pm) (R,S) -2- (3-benzoylphenyl) -propionic, (\pm) (R,S) -2- (4-isobutylphenyl) -propionic, (\pm) (R,S) -2- (4-(1-oxo-2-isoindolinyl) phenyl] propionic, (\pm) (R,S) -2- (4-(2-thenoyl) phenyl] -propionic, (\pm) (R,S) -2- (6-methoxy-2-naphthyl) -propionic acids.
- 8. The use of an orthoester of formula $R^1-C(OR^2)_3$,

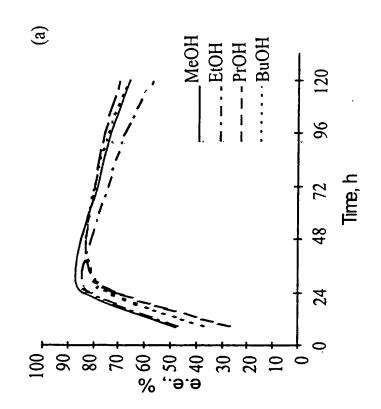
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- in which R^1 is selected from H and C_1 - C_4 alkyl and R^2 is C_1 - C_8 alkyl or - C_1 - C_6 -10aryl, in combination with a stereoselective hydrolase in the resolution of enantiomeric mixtures of carboxylic chiral acids.
- 9. The use as claimed in claim 8, wherein said hydrolase is a lipase selected from <u>Candida antarctica</u>, <u>Candida cylindracea</u>, <u>Pseudomonas cepacia</u>, <u>Mucor miehei</u>, <u>Mucor javanicus</u>, <u>Aspergillus niger</u>, swine pancreas, or a protease from <u>Aspergillus subtilis</u>.

Fig. 1. Enantiomeric excess (ee) yalue of unreacted Flurbiprofen versus reaction time with different alcohols (a)

and orthoformates (b)

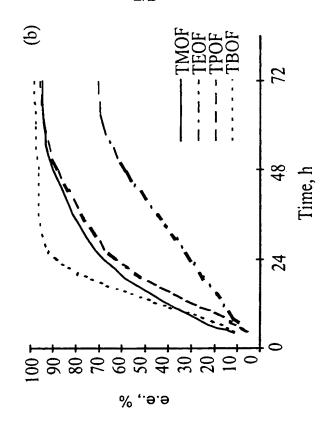


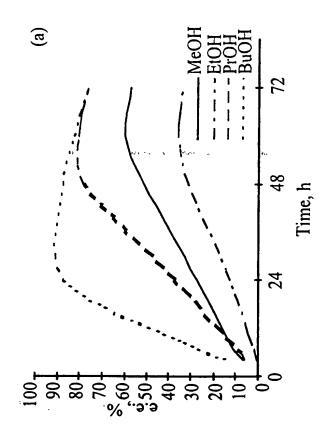


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Fig. 2. Enantiomeric excess (ee) value of unreacted 2-Methylvaleric acid versus reaction time with different alcohols (a) and orthoformates (b)





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A. CLASSI IPC 7	C12P41/00 C12P7/40 C12N9/18	3	
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Electronic d	ata base consulted during the international search (name of data ba	se and, where practical, search terms used)
EPO-In	ternal		
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Date of the	actual completion of the international search	Date of mailing of the international sea	arch report
18	8 January 2001	25/01/2001	
Name and n	nailing address of the ISA European Patent Office, P.B. 5818 Patentlaan 2	Authorized officer	. —
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